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Report of the Preparatory Committee for the United Nations Conference on the Arms Trade Treaty

I. Introduction

1. In its resolution 63/240, entitled "Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms", the General Assembly decided to establish an open-ended working group that would meet for up to six one-week sessions starting in 2009 in order to facilitate further consideration on the implementation of the relevant recommendation contained in paragraph 27 of the report of the Group of Governmental Experts to examine the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms (see A/63/334), on a step-by-step basis among all States Members of the United Nations, in an open and transparent manner.

2. The Open-ended Working Group towards an Arms Trade Treaty: establishing common international standards for the import, export and transfer of conventional arms met on 23 January, from 2 to 6 March and from 13 to 17 July 2009 and submitted its report (A/AC.277/2009/1) to the General Assembly at its sixty-fourth session.

3. At its sixty-fourth session, the General Assembly adopted resolution 64/48, in which it decided to convene a United Nations Conference on the Arms Trade Treaty to meet for four consecutive weeks in 2012 to elaborate a legally binding instrument on the highest possible common international standards for the transfer of conventional arms; also decided that the Conference would be undertaken in an open and transparent manner, on the basis of consensus, to achieve a strong and robust treaty; and further decided to consider the remaining sessions of the Open-ended Working Group in 2010 and 2011 as a preparatory committee for the Conference. In addition, the Assembly requested the Preparatory Committee, at its four sessions in 2010 and 2011, to make recommendations to the Conference on the elements that would be needed to attain an effective and balanced legally binding instrument on the highest possible common international standards for the transfer of conventional arms, bearing in mind the views and recommendations expressed in

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the replies of Member States (see A/62/278 (Parts I and II) and Add.1-4) and those contained in the report of the Group of Governmental Experts and the report of the Open-ended Working Group, and to present a report containing those elements to the Assembly at its sixty-sixth session. In the same resolution, the Assembly decided to establish a fifth session of the Committee in 2012 of up to three days' duration to decide on all relevant procedural matters, including the composition of the Bureau, the draft agenda and the submission of documents, for the Conference; decided that intergovernmental organizations and specialized agencies, having received a standing invitation to participate as observers in the work of the Assembly, might participate as observers in the sessions of the Committee and requested the Committee to take decisions on the modalities of attendance of non-governmental organizations at its sessions; and stressed the need to ensure the widest possible and effective participation in the Conference in 2012.

4. At its sixty-sixth session, the General Assembly adopted decision 66/518, by which it decided to hold, within existing resources, the final session of the Preparatory Committee for the United Nations Conference on the Arms Trade Treaty from 13 to 17 February 2012 in New York, to conclude the Preparatory Committee's substantive work and to decide on all relevant procedural matters, pursuant to paragraph 8 of Assembly resolution 64/48.

II. Organizational matters

A. Sessions of the Preparatory Committee

5. The Preparatory Committee held its first session, which combined two of the four sessions requested in paragraph 7 of General Assembly resolution 64/48 into one two-week session, at United Nations Headquarters from 12 to 23 July 2010. At the opening of the session, the High Representative for Disarmament Affairs made a statement.

6. The Chief of the Disarmament and Peace Affairs Branch, Department for General Assembly and Conference Management of the United Nations Secretariat, served as Secretary of the Preparatory Committee for the four sessions.

7. The lists of participants of the four sessions of the Preparatory Committee are contained in documents A/CONF.217/PC/INF/1; A/CONF.217/PC.II/INF/1 and Add.1; A/CONF.217/PC.III/INF/1 and Add.1; and A/CONF.217/PC.IV/INF/1 and Add.1. The list of participating non-governmental organizations is contained in document A/CONF.217/PC.IV/INF/2.

B. Election of officers

8. The Preparatory Committee elected the following officers for its duration:

Chair:

Roberto García Moritán (Argentina)

Vice-Chairs:

Australia
Bulgaria

France
Japan
Mexico
Nigeria
Republic of Korea
Romania
South Africa

C. Documentation

9. The list of documents before the Preparatory Committee at its sessions is contained in annex I.

D. Adoption of the agenda and proceedings of the sessions of the Preparatory Committee

10. At the 1st meeting of its first session, on 12 July 2010, the Preparatory Committee adopted the provisional agenda of the session, contained in document A/CONF.217/PC/L.1, as amended, which read as follows:

1. Opening of the session.
2. Adoption of the agenda and other organizational matters.
3. Welcome and opening remarks by the High Representative for Disarmament Affairs.
4. Election of members of the Bureau.
5. Recommendations on the elements that would be needed to attain an effective and balanced legally binding instrument on the highest possible common international standards for the transfer of conventional arms, in accordance with paragraph 7 of General Assembly resolution 64/48.
6. Other matters.

11. The Committee held 11 plenary meetings at its first session, at which statements were made by a total of 64 States and 4 observers on recommendations on the elements that would be needed to attain an effective and balanced legally binding instrument on the highest possible common international standards for the transfer of conventional arms, in accordance with paragraph 7 of General Assembly resolution 64/48. At the 6th meeting of the first session, on 14 July 2010, the Chair appointed three facilitators to preside over informal meetings on the following issues: scope (Trinidad and Tobago), criteria and parameters (Australia) and implementation (Egypt).

12. At the 1st meeting of its first session, the Committee adopted a draft decision on the modalities of attendance of non-governmental organizations at its sessions, as contained in document A/CONF.217/PC/L.2.

13. The Preparatory Committee held its second session at United Nations Headquarters from 28 February to 4 March 2011. At the 1st meeting of its second

session, the Committee adopted the provisional agenda for its second session, as contained in document A/CONF.217/PC.II/L.1. The agenda read as follows:

1. Opening of the session.
2. Adoption of the agenda and other organizational matters.
3. Recommendations on the elements that would be needed to attain an effective and balanced legally binding instrument on the highest possible common international standards for the transfer of conventional arms.
4. Other matters.

14. The Preparatory Committee held nine plenary meetings at its second session, at which statements were made by a total of 84 States and 4 observers on recommendations on the elements that would be needed to attain an effective and balanced legally binding instrument on the highest possible common international standards for the transfer of conventional arms.

15. The Preparatory Committee held its third session at United Nations Headquarters from 11 to 15 July 2011. At the 1st meeting of its third session, the Committee adopted the following agenda, as contained in document A/CONF.217/PC.III/L.1:

1. Opening of the session.
2. Adoption of the agenda and other organizational matters.
3. Recommendations on the elements that would be needed to attain an effective and balanced legally binding instrument on the highest possible common international standards for the transfer of conventional arms.
4. Other matters.

16. The Preparatory Committee held 10 plenary meetings at its third session, at which statements were made by a total of 82 States and 4 observers on recommendations on the elements that would be needed to attain an effective and balanced legally binding instrument on the highest possible common international standards for the transfer of conventional arms.

17. At its sessions, the Committee discussed, inter alia, the following elements: preamble, principles, goals and objectives, scope, criteria and parameters, implementation, international cooperation and assistance, final provisions, and transactions and activities, to be covered by the arms trade treaty.

18. At the 8th meeting of its first to third sessions, on 16 July 2010, 3 March 2011 and 14 July 2011, respectively, and the 6th meeting of its fourth session, on 15 February 2012, the Preparatory Committee suspended the meeting for an informal exchange of views with representatives of non-governmental organizations.

19. The Preparatory Committee held further discussions on the elements of the arms trade treaty, including its principles, goals and objectives, scope, criteria, international cooperation and assistance, implementation and final provisions. To assist in the Committee's work, the Chair provided non-papers to inform the debate. These non-papers were submitted under the Chair's own responsibility without prejudice to the position of any delegation or to the final outcome of the

Committee's work. During each Committee meeting, divergent views were expressed by Member States.

20. Under his own responsibility, the Chair produced a non-paper dated 14 July 2011 (contained in annex II to this report), which would serve as one of the background documents for the Conference. None of the elements within the Chair's non-paper have been agreed and not all views are reflected therein. The non-paper was produced without prejudice to the views and positions of Member States and their right to put forward proposals on the treaty in the Conference.

21. Pursuant to General Assembly resolution 64/48 and Assembly decision 66/518, the Preparatory Committee held its fourth session at United Nations Headquarters in New York from 13 to 17 February 2012, to conclude its substantive work and consider all relevant procedural matters.

22. At the 1st meeting of its fourth session, on 13 February, the Committee adopted the provisional agenda as contained in document A/CONF.217/PC.IV/L.1, as orally amended, which read as follows:

1. Opening of the session.
2. Adoption of the provisional agenda and organization of work.
3. Adoption of recommendations on all relevant procedural matters, including the composition of the Bureau, the draft agenda and the submission of documents, for the United Nations Conference on the Arms Trade Treaty.
4. Substantive matters.
5. Other matters.
6. Adoption of the report of the Preparatory Committee.

23. At the 1st to 9th meetings of its fourth session, from 13 to 17 February, the Preparatory Committee considered agenda item 3, entitled "Adoption of recommendations on all relevant procedural matters, including the composition of the Bureau, the draft agenda and the submission of documents, for the United Nations Conference on the Arms Trade Treaty".

III. Adoption of the report of the Preparatory Committee

24. At the 6th meeting, on 15 February 2012, the Chair introduced the draft report of the Preparatory Committee, as contained in document A/CONF.217/PC.IV/CRP.1.

25. At the 10th meeting, on 17 February, the Chair introduced the revised draft report of the Preparatory Committee, as contained in document A/CONF.217/PC.IV/CRP.1/Rev.1. At the same meeting, the Committee adopted the revised draft report.

IV. Decisions and recommendations of the Preparatory Committee

26. At its 10th meeting, on 17 February 2012, the Preparatory Committee made the following decisions and recommendations:

A
Nomination of the President of the Conference

To request the Secretary-General of the United Nations to undertake consultations for the nomination of the President Designate of the Conference.

B
Nomination of the Secretary-General of the Conference

To invite the Secretary-General of the United Nations, in consultation with Member States, to nominate an official to act as Secretary-General of the Conference.

C
Background documentation for the Conference

To request the United Nations Secretariat to make available the following background documents for the United Nations Conference on the Arms Trade Treaty: General Assembly resolutions 61/89, 63/240 and 64/48; the report of the Secretary-General containing the views expressed by Member States on the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms (A/62/278 (Parts I and II) and Add.1-4); the report of the Group of Governmental Experts to examine the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms (see A/63/334); the report of the Open-ended Working Group towards an Arms Trade Treaty (A/AC.277/2009/1); the report of the Secretary-General containing the views expressed by Member States on proposed treaty elements and other relevant issues relating to the United Nations Conference on the Arms Trade Treaty (A/66/166 and Add.1 and 2); and the Report of the Preparatory Committee for the United Nations Conference on the Arms Trade Treaty (A/CONF.217/1).

To invite those participating States wishing to do so to submit focused views, of no more than 1,500 words, on the elements of an arms trade treaty, such as those enumerated in paragraph 17 of the present report, by 31 March 2012, without prejudice to their right to put forward additional proposals during the Conference.

To request the Secretary-General to prepare, as one of the background documents for the Conference, a compilation of these views, organized accordingly, to be made available no later than 31 May 2012.

D

Draft provisional agenda of the Conference

To recommend for adoption by the United Nations Conference on the Arms Trade Treaty the following draft provisional agenda:

Draft provisional agenda of the Conference

1. Opening of the Conference by the Secretary-General of the United Nations.
2. Election of the President.
3. Statement by the President.
4. Address by the Secretary-General of the United Nations.
5. Adoption of the rules of procedure.
6. Adoption of the agenda.
7. Organization of work.
8. Election of officers other than the President.
9. Credentials of representatives to the Conference:
   (a) Appointment of the members of the Credentials Committee;
   (b) Report of the Credentials Committee.
10. Confirmation of the Secretary-General of the Conference.
11. Submission of the report of the Preparatory Committee by the Chair of the Committee.
12. General exchange of views.
13. Statements by:
   (a) Representatives of intergovernmental organizations;
   (b) Representatives of non-governmental organizations.
14. Reports of the Main Committees.
15. Consideration and adoption of the final documents of the Conference.
16. Other matters.
17. Adoption of the report of the Conference for submission to the General Assembly.

E

Other officers of the Conference

To recommend that the United Nations Conference on the Arms Trade Treaty elect fourteen Vice-Presidents, comprising two representatives from the regional group of the President Designate and three from each of the other regional groups. Nominations should be held at an early stage in order to permit the President Designate to benefit from the support of the Bureau during his or her preparations for the Conference.

F

Draft provisional rules of procedure of the Conference

To recommend for adoption by the United Nations Conference on the Arms Trade Treaty the draft provisional rules of procedure as contained in document in A/CONF.217/L.3, as revised by the Preparatory Committee, to be issued as a document of the Conference (A/CONF.217/L.1).

Annex I

List of documents

A/CONF.217/PC/III/1*	Letter dated 27 June 2011 from the Chair of the Preparatory Committee for the United Nations Conference on the Arms Trade Treaty addressed to the delegations
A/CONF.217/PC/L.1	Provisional agenda of the first session
A/CONF.217/PC/L.2	Draft decision on the modalities of attendance of non-governmental organizations at the sessions of the Preparatory Committee
A/CONF.217/PC.II/L.1	Provisional agenda of the second session
A/CONF.217/PC.II/L.2	Provisional programme of work for the second session
A/CONF.217/PC.III/L.1	Provisional agenda of the third session
A/CONF.217/PC.III/L.2*	Provisional programme of work for the third session
A/CONF.217/PC.IV/L.1	Provisional agenda of the fourth session
A/CONF.217/PC.IV/L.2	Draft provisional agenda of the Conference
A/CONF.217/PC.IV/L.3	Provisional rules of procedure of the Conference
A/CONF.217/PC/INF/1	List of participants at the first session
A/CONF.217/PC.II/INF/1 and Add.1	List of participants at the second session
A/CONF.217/PC.III/INF/1 and Add.1	List of participants at the third session
A/CONF.217/PC.IV/INF/1 and Add.1	List of participants at the fourth session
A/CONF.217/PC.IV/INF/2	List of non-governmental organizations accredited to any or all of the sessions of the Preparatory Committee

Annex II

Chair's non-paper

(14 July 2011)

Elements

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Annex

- A. Transactions or activities to be covered by this Treaty

I. Preamble

1. *Recognizing* the legitimate political, security, economic and commercial interests of States in the import, export and transfer of conventional arms and related items,

2. *Recognizing also* that the absence of commonly agreed international standards for the transfer of conventional arms and their diversion to the illicit market are contributory factors to armed conflict, serious violations of international human rights law and international humanitarian law, gender-based violence, the displacement of people, transnational organized crime, terrorism and the illicit trade in narcotics, thereby undermining peace, reconciliation, safety, security, stability and sustainable social and economic development,

3. *Mindful of* the need to prevent the destabilizing effects of excessive and uncontrolled conventional arms stockpiles and to prevent the diversion of conventional arms from the legal into the illicit market,

4. *Recognizing* the need to prevent, combat and eradicate the irresponsible and illicit trade of conventional arms and related items and the responsibility of all States to effectively regulate and control the import, export and transfer of conventional arms and related items,

5. *Recognizing also* that existing national, regional and subregional best practices on the import, export and transfer of conventional arms can play an important role in furthering the goals and objectives of an Arms Trade Treaty,

6. *Recognizing further* the sovereign right of States to determine any regulation of internal transfers of arms and national ownership exclusively within their territory, including through national constitutional protections on private ownership,

7. *Recognizing* that States may adopt more restrictive measures than those provided in the Arms Trade Treaty,

II. Principles

1. *Guided by* the purposes and principles enshrined in the Charter of the United Nations, and reaffirming States Parties' respect for and commitment to international law,

2. *Reaffirming* the inherent right of all States to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations,

3. *Recalling* the commitment to the principles of political independence, sovereign equality and territorial integrity of all States, and acknowledging that peace and security, development and human rights are the foundations for collective security,

4. *Reaffirming* the right of all States to territorial integrity and political independence,

5. *Reaffirming also* the right of self-determination of all peoples, taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, and recognizing the rights of peoples to take legitimate action in accordance with the Charter of the United Nations to realize

their inalienable right of self-determination. This shall not be construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples,

6. *Acknowledging* the right of all States to manufacture, develop, acquire, import, export, transfer and retain conventional arms and related items and capabilities for self-defence and security needs and in order to participate in peacekeeping operations in accordance with the Charter of the United Nations. This does not create any obligation of States with respect to such a right, which must be exercised in accordance with international law,

7. *Reiterating* the general prohibition against the use of force and threat of use of force and the principles of the peaceful settlement of disputes and non-interference in the internal affairs of States, as set out in Article 2 of the Charter of the United Nations,

8. *Recalling* the obligations of all States to comply with United Nations Security Council decisions, in particular arms embargoes and sanctions,

9. *Recognizing* that disarmament, non-proliferation and arms control are essential for the maintenance of international peace and security,

10. *Recognizing also* that the control and regulation of the import, export and transfer of conventional arms and related items are without prejudice to the priorities accorded to nuclear disarmament and weapons of mass destruction and conventional disarmament,

11. *Reaffirming* the rights and obligations of States under international law, including international human rights law and international humanitarian law,

III. Goals and objectives

This Treaty will seek to:

1. *Promote* the goals and objectives of the United Nations Charter;

2. *Establish* the highest possible common international standards for the import, export and transfer of conventional arms;

3. *Prevent, combat and eradicate* the illicit transfer, illicit production and illicit brokering of conventional arms and their diversion into the illicit market, including for use in transnational organized crime and terrorism;

4. *Contribute* to international and regional peace, security and stability by preventing international transfers of conventional arms that contribute to or facilitate: human suffering, serious violations of international human rights law and international humanitarian law, violations of United Nations Security Council sanctions and arms embargoes and other international obligations, armed conflict, the displacement of people, transnational organized crime, and terrorist acts, and thereby undermine peace, reconciliation, safety, security, stability and sustainable social and economic development;

5. *Promote* transparency and accountability in import, export, and transfers of conventional arms;

6. *Be* universal in its application.

IV. Scope

1. For the purposes of this Treaty, conventional arms shall include any items that fall within the following categories:

(a) Tanks;

(b) Military vehicles;

(c) Artillery systems;

(d) Military aircraft (manned or unmanned);

(e) Military helicopters (manned or unmanned);

(f) Naval vessels (surface and submarine vessels armed or equipped for military use);

(g) Missiles and missile systems (guided or unguided);

(h) Small arms;

(i) Light weapons;

(j) Ammunition for use with weapons referred to in paragraphs (a) to (i);

(k) Parts or components specially and exclusively designed for any of the categories set out in paragraphs (a) to (j);

(l) Technology and equipment specially and exclusively designed and used to develop, manufacture or maintain any of the items in the categories set out in paragraphs (a) to (k).

2. The international transactions or activities covered by this Treaty include those listed below and defined in Annex A:

(a) Import;

(b) Export;

(c) Transfer;

(d) Brokering;

(e) Manufacture under foreign licence;

(f) Technology transfer.

V. Criteria

In reaching a decision on whether or not to authorize an export application, competent national authorities of States Parties shall make assessments of whether or not to transfer arms on an objective and non-discriminatory basis, taking into

account information on the nature of the arms to be transferred and risk assessment of the potential use of the weapon and the end-user.

A. International, regional and subregional obligations of a State

1. A State Party shall not authorize a transfer of conventional arms from, to or through territories under its jurisdiction if the transfer would violate any measure adopted by the Security Council acting under Chapter VII of the Charter of the United Nations, in particular arms embargoes.

2. A State Party shall not authorize a transfer of conventional arms from, to or through territories under its jurisdiction if the transfer violates any of its other relevant international, regional or subregional obligations or commitments regarding the control and regulation of international transfers of conventional arms.

B. Potential consequences of arms transfers on peace and security

A State Party shall not authorize a transfer of conventional arms if there is a substantial risk that those conventional arms would:

1. Be used in a manner that would seriously undermine peace and security or provoke, prolong or aggravate internal, regional, subregional or international instability.

2. Be used to commit or facilitate serious violations of international humanitarian law.

3. Be used to commit or facilitate serious violations of international human rights law.

4. Be used to commit or facilitate serious violations of international criminal law, including genocide, crimes against humanity and war crimes.

5. Seriously impair poverty reduction and socio-economic development or seriously hamper the sustainable development of the recipient State.

6. Be diverted to unauthorized end-users for use in a manner inconsistent with the principles, goals and objectives of the Treaty, taking into account the risk of corruption.

7. Be used in the commission of transnational organized crime as defined in the United Nations Convention against Transnational Organized Crime.

8. Be used to support, encourage or perpetrate terrorist acts.

VI. Implementation

1. The provisions of this Treaty shall be implemented in such a manner as to avoid hampering the right of self-defence of any State Party.

2. Each State Party, during the implementation of its obligations under this Treaty, shall assign the highest priority to ensuring that implementation in

accordance with the Treaty is not discriminatory or subjective in nature and that such implementation would not entail, inter alia, abuse of a political nature.

3. Each State Party shall take the necessary legislative and administrative measures, to adapt, as necessary, national laws and regulations to implement the obligations of this Treaty.

4. Each State Party shall establish a national contact point for the provision and receipt of information and requests pursuant to this Treaty, including to facilitate cooperation and information exchange. Each State Party shall notify the Implementation Support Unit (see Article [ ]) of its national contact point. A list of national contact points shall be maintained and distributed by the Implementation Support Unit on a quarterly basis.

5. Each State Party may refuse, suspend or revoke any transfer.

6. Each State Party, during the implementation of this Treaty, is encouraged to maintain consultations and to share information regarding the implementation of the Treaty, as a confidence-building measure.

A. National authority and systems

Authorization systems

1. Each State Party shall designate competent national authorities, define their respective duties and responsibilities, and ensure adequate coordination at the national level among those authorities to ensure that a transparent, predictable, and effective national control system exists for authorizing and licensing the export, re-export, manufacture under foreign licence or technology transfer of items under the scope of this Treaty.

2. In deciding whether to authorize an export of items under the scope of this Treaty, each State Party shall assess the export against the assessment criteria listed in Article [ ].

3. Each State Party shall have a national control list of those items subject to this Treaty, consistent with the terms of the Treaty under Article [ ].

4. Each State Party shall take measures to ensure that it can verify or validate its authorizations. All authorizations for an export of conventional arms in accordance with this Treaty must be detailed and issued prior to the export. Details of the authorization shall accompany the arms shipment and be made available to transit and trans-shipment States upon request. The format, content and conditions of the authorizations remain to be determined through a national decision of the authorizing State Party.

5. States Parties shall take all necessary measures to control brokering activities taking place within its territories or by its nationals in the context of transfers of arms under this Treaty. States Parties shall ensure that all brokers are registered with the appropriate national authority before engaging in activities under the scope of the Treaty.

6. Each State Party shall take all appropriate measures necessary to prevent the diversion of exported arms into the illicit market or to unintended end-users.

Notification systems

1. Importing States shall provide appropriate documentation and other information, inter alia, end-user certification, requested by the exporting State to assist the exporting State in its criteria assessment and to verify the delivery to the approved end-user.

2. States Parties should ensure that all arms transferred to their territory as the final destination are recorded and are accompanied by details of the authorization issued in accordance with this Treaty.

3. States Parties should monitor and control, where necessary, all arms that transit or trans-ship through their territories and should ensure that they are accompanied by details of the authorization issued in accordance with this Treaty.

4. States Parties shall take all appropriate measures necessary to prevent the diversion of imported arms into the illicit market or to unintended end-users.

B. Record-keeping, reporting and transparency

1. States Parties shall maintain records of all arms authorizations, transfers and denials. Such records may contain information, inter alia, on quantity, model or type, arms transfers authorized and refused, arms actually transferred, and details of transit State(s), recipient State(s) and end-users. Records shall be kept for a minimum of ten years.

2. States Parties shall maintain records of all arms imports and shipments of arms that transit their territory. Such records may contain information, inter alia, on quantity, model or type, arms actually transferred, and details of transit State(s), exporting State(s) and end-users. Records shall be kept for a minimum of ten years.

3. No later than one hundred and eighty days after a State Party's ratification of this Treaty, that State shall submit an initial report to the Implementation Support Unit of all activities undertaken in order to accomplish the implementation of the Treaty, including, inter alia, domestic laws, regulations and administrative measures.

4. Each State Party shall submit annually to the Implementation Support Unit a report for the preceding year concerning the transfer of arms, as detailed in section B, paragraphs 1 and 2, of the present Article, as well as any new national legislation or other measures used to regulate or control the items and transaction within the Treaty's domain.

C. Enforcement

1. Each State Party shall adopt legislation or other appropriate measures, including appropriate law enforcement and judicial mechanisms, to ensure its ability to enforce domestically the obligations of this Treaty and to prohibit the transfer of arms from any location under that State's jurisdiction and control, unless authorized in accordance with the Treaty.

2. Each State Party shall establish effective penalties or other appropriate measures for violations of this Treaty by any entity under its jurisdiction and control. Each State Party shall adopt such measures as may be necessary to provide

for the investigation and prosecution of individuals and other entities for offences violating the Treaty and relevant national laws.

3. States Parties shall take all necessary measures to prevent, counter and prosecute corruption, as well as money-laundering, within its territories or by its nationals in the context of transfers of arms under this Treaty.

D. International cooperation

1. States Parties shall encourage and facilitate international cooperation, including the exchange of information among themselves, on matters regarding the implementation and application of this Treaty. The information exchange could include, inter alia, information on implementation measures, as well as information on specific exporters, importers and brokers and on any prosecutions brought domestically, in line with commercial and proprietary protections.

2. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement institutions in combating violations of the provisions of this Treaty.

3. States Parties shall, when appropriate, afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the violations of the provisions of this Treaty.

E. International assistance

Provisions for strengthening capacity and building national capabilities are essential elements for the implementation of the Treaty. In this regard:

1. In fulfilling its obligations under this Treaty, each State Party may offer or receive assistance.

2. States Parties may offer or receive assistance, inter alia, through the United Nations, international, regional, subregional or national organizations or non-governmental organizations, or on a bilateral basis.

3. States Parties in a position to do so, and where appropriate, may provide technical, legal, material and financial assistance to States Parties in support of their implementation of the obligations under this Treaty. Such assistance may take the form of information exchange on best practices, and legislative and legal assistance, related to the Treaty and its practical implementation. States Parties may build upon existing customs and law enforcement cooperation arrangements, including those already established by international, regional and subregional organizations.

4. Consistent with their respective legal and administrative systems, States Parties may exchange relevant information and best practices on exports, imports and transfers of conventional arms.

5. States Parties shall designate one or more national points of contact to facilitate cooperation and information exchange between States Parties, and to act as a liaison on all matters relating to the implementation of this Treaty.

6. States Parties providing and receiving assistance under the provisions of this Article shall do so in a manner consistent with existing commitments and international

instruments, with a view to ensuring the full and prompt implementation of agreed assistance programmes.

7. The provisions of this Treaty shall be implemented in such a manner as to avoid hampering the economic or technological development of States Parties.

F. Victim assistance

1. Each State Party in a position to do so, and where appropriate, may offer or receive assistance for the care and rehabilitation, and social and economic reintegration, of victims of armed conflict.

2. Such assistance may be technical or material in nature and can be provided, inter alia, through the United Nations system, international, regional, subregional or national organizations or non-governmental organizations, or on a bilateral basis, as appropriate.

G. Implementation Support Unit

1. This Treaty hereby establishes an Implementation Support Unit to assist States Parties in the implementation of this Treaty.

2. The Implementation Support Unit shall:

(a) Serve as the repository for annual reports submitted by States Parties as part of their Treaty obligations;

(b) Serve as the repository for reports on disputes on transfer denials;

(c) Assist the Assembly of States Parties in carrying out the activities set forth in the Treaty and make arrangements and provide the necessary services for the sessions of the Assembly of States Parties and subsidiary organs, as necessary;

(d) Assist States Parties in providing information to the Assembly of States Parties and to each other, as envisaged in the Treaty, upon request;

(e) Act as a clearing house for offers of and requests for assistance for Treaty implementation under the terms of the Treaty and promote international cooperation to that end;

(f) Ensure the necessary coordination with the secretariats of relevant international and regional organizations and represent the Implementation Support Unit in meetings and activities of such organizations, as applicable;

(g) Conduct outreach to increase awareness of the Treaty regime and to promote the universality of the Treaty;

(h) Perform other technical and administrative duties, as assigned by the Assembly of States Parties.

VII. Final provisions

A. Depository and authentic texts

1. The Secretary-General of the United Nations is the Depositary of this Treaty.

2. The original of this Treaty, of which the Arabic, Chinese, English, French, Russian, and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

B. Signature, ratification or accession

1. This Treaty shall be open to all States for signature on [date] at United Nations Headquarters in New York.

2. This Treaty Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations.

3. The Secretary-General of the United Nations shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention, and of the receipt of other notices.

C. Entry into force

1. This Treaty shall enter into force on the first day of the month after the [ ] day following the date of the deposit with the Secretary-General of the United Nations of the [ ] instrument of ratification, acceptance, approval or accession.

2. For those States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, the Treaty shall enter into force on the thirtieth day following the date of deposit of their instruments of ratification or accession.

D. Withdrawal and duration

1. This Treaty shall be of unlimited duration.

2. A State Party may, by written notification addressed to the Depositary, withdraw from this Treaty. The withdrawal shall take effect one hundred and eighty days after the date of receipt of the notification, unless the notification specifies a later date.

3. A State shall not be discharged, by reason of its withdrawal, from the obligations arising from this Treaty while it was a party to the Treaty, including any financial obligations.

E. Reservations

1. No reservations that are incompatible with the object and purpose of the present Treaty shall be permitted.

F. Amendments

1. At any time after the entry into force of this Treaty, a State Party may propose an amendment to the Treaty.

2. Any proposed amendment shall be submitted in writing to the Depositary and the Implementation Support Unit, which will then circulate the proposal to all States Parties. Amendments shall be decided upon at the next scheduled Review Conference.

G. Assembly of States Parties

1. An Assembly of States Parties to this Treaty is hereby established to improve the capacity of States Parties to promote the implementation of the Treaty.

2. The Assembly of States Parties shall convene not later than one year following the entry into force of this Treaty. The Assembly of States Parties shall adopt rules of procedure and rules governing its activities, including on frequency of meetings and on payment of expenses incurred in carrying out those activities.

3. In the years when a Review Conference is scheduled, no meetings of the Assembly of States Parties will be held. Instead, two preparatory committee meetings shall be convened for the Review Conference.

4. If required and merited by circumstances, an exceptional meeting of States Parties may be convened, if resources allow.

H. Review Conferences

1. In order to review the implementation and operation of this Treaty, a Review Conference shall be convened five years after the entry into force of the Treaty and every five years thereafter.

2. The preparatory meetings for the Review Conference shall agree upon the procedures necessary to achieve the objectives of the Review Conference, including, inter alia, facilitating activities by States Parties under the Articles of this Treaty; reviewing the implementation of the Treaty; and making recommendations to improve the Treaty and its implementation and operation.

I. Consultation

1. States Parties may consult with each other and request information on any matter regarding the implementation and operation of this Treaty.

2. States Parties shall provide information requested in accordance with their domestic legal systems. Requests for consultation or information shall be made in writing to the relevant national contact points.

3. When considering a potential transfer denial, the parties involved in the potential transaction are encouraged to consult with each other in order to take into account any relevant information so as to allow the recipient the opportunity to take any necessary measures to avert a denial of transfer.

J. Dispute settlement

1. States Parties shall consult and cooperate with each other in order to settle any dispute that may arise with regard to the application or the interpretation of this Treaty.

2. Disputes that may arise as a result of a transfer denial should be settled by negotiations between the relevant parties.

3. States Parties shall settle any dispute between them concerning the interpretation or application of this Treaty by peaceful means in accordance with Article 2, paragraph 3, of the Charter of the United Nations.

K. Relations with States not party to this Treaty

1. With the goal of achieving universal adherence, each State Party shall encourage States not party to this Treaty to ratify, accept, approve or accede to the Treaty.

L. Relationship with other instruments

1. This Treaty shall not affect the right of States Parties to enter into bilateral or multilateral agreements provided that these agreements are compatible with States' obligations under the Treaty.

Annex A

Transactions or activities to be covered by this Treaty

1. For the purposes of this Treaty, the following transactions or activities shall be covered by States in their national legislation and regulations:

(a) International arms transfers (including import, export, re-export, temporary transfer, trans-shipment, transit, transport, leases, loans and gifts of conventional arms). The transfer of title or control over the equipment as well as the physical movement of the equipment into or from a national territory;

(b) Brokering: The facilitation by an intermediary who brings together relevant parties and arranges or facilitates a potential transaction of conventional arms in return for some form of benefit, whether financial or otherwise;

(c) Manufacture under foreign licence: An agreement whereby a person or entity in the exporting State grants a person or entity in the importing State an authorization to manufacture conventional arms that involves technology transfer or the use of technology or conventional arms previously supplied by the exporting State;

(d) Technology transfer: The export, by tangible or intangible means, of information that is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of conventional arms.